

FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
HELENA DIVISION

FEB 18 2016

Clerk, U.S. District Court
District Of Montana
Missoula

DILLON JAMES CROUCH,

Plaintiff,

vs.

JILL BUCK, DR. EDWARDS, DR.
FLYNN, CYNTHIA BOLES, and
BRIAN WINTERS,

Defendants.

CV 14-24-M-DLC-JTJ

ORDER

United States Magistrate Judge John T. Johnston entered findings and recommendations in this case on January 11, 2016, recommending dismissal of this matter with prejudice, pursuant to Rule 41(b) of the Federal Rules of Civil Procedure, as a result of Plaintiff Dillon James Crouch's ("Crouch") failure to prosecute. Crouch did not object to the findings and recommendations, and so has waived the right to de novo review thereof. 28 U.S.C. § 636(b)(1)(C). This Court reviews for clear error those findings and recommendations to which no party objects. *See McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981); *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Clear error exists if the Court is left with a "definite and firm conviction that a mistake has been committed." *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000)

(citations omitted).

Having reviewed the findings and recommendations, the Court finds no clear error in Judge Johnston's consideration of the five factors informing a Rule 41(b) analysis, *see Pagtalunan v. Galaza*, 291 F.3d 639, 642 (9th Cir. 2002), nor in his conclusion that Crouch's failure to prosecute and failure to comply with the Court's order warrant dismissal.

Accordingly, IT IS ORDERED that Judge Johnston's findings and recommendations (Doc. 24) are ADOPTED IN FULL. This case is DISMISSED WITH PREJUDICE, pursuant to Rule 41(b) of the Federal Rules of Civil Procedure. The Clerk of Court shall CLOSE this matter, enter judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure, and terminate all pending motions.

IT IS FURTHER ORDERED that the Clerk of Court shall have the docket reflect that the Court certifies, pursuant to Rule 24(a)(3)(A) of the Federal Rules of Appellate Procedure, that any appeal of this decision would not be taken in good faith.

DATED this 18th day of February, 2016.



Dana L. Christensen, Chief Judge
United States District Court